COURT NO. 2

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition (M/S) 606/2001
(Old No. 382 of 1993)

Akbar Ali

.....Petitioner.

Versus

Deputy Director of Consolidation, Haridwar
And Others.

.....Respondents.

Sri B.D. Upadhyay, learned Counsel for the petitioner.
Sri H.M. Raturi, learned Standing Counsel for the respondent no. 1 to 3.

4th August, 2008

Hon'ble P.C. Verma, J.

This writ petition is directed against the orders dated 17.2.2001, 22.3.1999 and 4.3.1998 passed by the respondent no. 3, 2 and 1 respectively.

2. Petitioner had filed objection under Section 20 of the Consolidation of Holdings Act before the Consolidation Officer against the provisional consolidation scheme. Consolidation Officer vide his order dated 4.3.1998 allotted 4 chaks to the petitioners. Being aggrieved by the aforesaid order 4.3.1998, petitioner filed an appeal before the Settlement Officer (Consolidation) and prayed that in place of four chaks he may be allotted three chaks by way of including chak no. 2 and 4. Settlement Officer (Consolidation) dismissed the appeal of the petitioner vide his order dated 22.3.1999 holding that petitioner has no loss from his first, second and fourth chak and no other person wants to take the

third chak of the petitioner. Petitioner preferred revision against the aforesaid order dated 22.3.1999 before the deputy Director of Consolidation, which was dismissed vide order dated 17.2.2001.

3. Settlement Officer (Consolidation) while deciding the appeal of the petitioner held that land of Gatta number 165/1 and 165/2 is not cultivable and is affected by the river water. Therefore, petitioner wanted to shift his land from the aforesaid Gatta number 165/1 and 165/2.

4. Matter is concluded by the concurrent finding of fact, I do not find any illegality or infirmity in the impugned orders passed by the courts below. Impugned orders do not call for any interference by this Court.

5. In the result, I find no merit in the writ petition and the same is accordingly dismissed. No order as to costs.

(P.C. Verma, J.)
4.8.2008

Prabodh